

REMARKS/ARGUMENTS

This paper is in response to the Office Action of September 27, 2005 and the Examiner is thanked for the careful review of this Application. The due date for response is December 27, 2005.

Claims 1-5, 7-15, 17-21, and 23-25 have been amended for clarification purposes. Claims 6 and 16 have been canceled. Applicants respectfully submit that the amendments do not introduce new matter. Claims 1-5, 7-15, 17-21, and 23-25 are pending after entry of the present Amendment.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-12, and 14-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbin, U.S. Patent 6,731,312 and the article "Oscar Mp3 Player (2) Part 2 (final): operation and measurement results" by Kurpiers et al. (Kurpiers). Furthermore, claims 4 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbin and Kurpiers as applied to claim 3, and further in view of DARTECH Inc.'s DART CD-Recorder Version 4.1 brochure (Dartech). These rejections are respectfully traversed. Claims 6 and 16 have been canceled.

Robbin discloses a media player interface. The media player interface allows users to browse media files, to manually drag and drop media files to create a playlist, and to select a playlist to record media files onto a compact disc (CD). Kurpiers discloses a stand-alone MP3 player for the playback of MP3 files from a CD. Kurpiers also discloses saving a playlist with MP3 files when creating a CD and teaches the use of playlists found

on CD's with MP3 files. Dartech discloses a CD-Recorder program with Joliet support to burn MP3 to a CD which has drag-and-drop playlist building. As will be shown, the cited prior art references in combination do not disclose or suggest each and every feature of the independent claims.

Independent claim 1 defines a method for recording audio files to optical media. The method initiates a project to record audio files to the optical media. The initiating of the project triggers a filter to identify only MP3 files. The method continues by browsing MP3 files at a source location and selecting MP3 files to record to a destination optical media. At a time when the MP3 files are selected to be recorded to a destination optical media, a playlist is automatically constructed from the selected MP3 files. Afterwards, the selected MP3 files and the playlist are recorded to the destination optical media.

Robbin, Kupier, and Dartech combined do not disclose a method wherein initiating a project to record audio files to the optical media triggers a filter to identify only MP3 files. Robbin teaches selecting a playlist on a media player to initiate recording the media files to a CD (Col 3 lines 54-59 and Fig 4). Selecting the playlist does not trigger a filter to identify only MP3 files. In Robbin, the displayed files are predefined within the playlist and can be of any format. Kupier and Dartech also do not teach a method which triggers a filter when selecting a project to record an audio CD. Combined, the teachings are not the same as Applicant's claimed invention because Robbin relies on a playlist to display all the files which make up the playlist. A playlist is not a filter to identify only MP3 files because a playlist is a collection of files of any audio format selected by a user.

A playlist can only display all the files in its collection and is incapable of displaying files outside its collection.

Likewise, Robbin, Kupier, and Dartech combined do not disclose a method wherein at a time of selecting MP3 files, a playlist is automatically constructed from the MP3 files. Robbin teaches dragging and dropping media files into a playlist icon to create a playlist. (Col 3, lines 34-45). The operation does not automatically create a playlist because a user has to manually drag files and drop them into an icon to create the playlist. Applicant's claimed invention creates a playlist automatically when the MP3 files are selected for recording onto an optical media. Likewise, Dartech also teaches manual drag-and-drop playlist building. Kupier does not teach automatically creating playlists at a time when selecting MP3 files. Combined, the teachings are not the same as Applicant's claimed invention because Robbin teaches that the playlist is first manually created. Then, the playlist can be used to burn media files onto a CD. A playlist therefore, is not automatically created at a time when MP3 files are selected for recording onto a destination optical media because the playlist is manually created before media files are recorded onto a CD.

Independent claims 10, 15, and 21 have likewise been amended and for the same reasons discussed with respect to claim 1 are submitted to be allowable. Consequently, Applicants respectfully submit that the Robbin, Kurpiers, and Dartech references in combination, do not teach or suggest all of the features of the claimed inventions. Applicants, therefore, respectfully request that the section 103(a) rejections with respect to independent claims 1, 10, 15, and 21 be withdrawn. In addition, the dependent claims are submitted to be allowable for at least the reasons discussed above for the independent claims.

In view of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance and therefore respectfully request a notice of allowance.

Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 774-6911**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ROXIP204). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Paul Link
Registration No. 53,224

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94086
Telephone: (408) 774-6911
Facsimile: (408) 749-6901
Customer No. 25920